

Page 3

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

CHARLENE CARTER, )

Plaintiff, )

VS. ) CIVIL ACTION

SOUTHWEST AIRLINES CO., ) NO.: 3:17-cv-02278-X

AND TRANSPORT WORKERS )

UNION OF AMERICA, LOCAL )

556, )

Defendants. )

VIDEOCONFERENCE AND VIDEOTAPED DEPOSITION OF  
BRETT NEVAREZ  
JULY 8, 2022

VIDEOCONFERENCE ORAL AND VIDEOTAPED  
DEPOSITION OF BRETT NEVAREZ, produced as a witness  
at the instance of the Plaintiff, and duly sworn,  
was taken in the above-styled and numbered cause  
on June 29, 2022, from 8:03 p.m. to 8:45 p.m., via  
Zoom Videoconference, before Melody A. Monk, CSR  
in and for the State of Texas, reported by machine  
shorthand, with the witness located in Las Cruces,  
New Mexico, pursuant to the Federal Rules of Civil

1 APPEARANCES  
2 (All parties appearing via Zoom Videoconference)

FOR THE PLAINTIFF:

**MATT HILL**  
Pryor & Bruce  
302 North San Jacinto  
Rockwall, Texas 75087  
972.771.3933  
Mhill@pryorandbruce.com  
**MATTHEW B. GILLIAM**  
National Right to Work Legal Defense  
Foundation, Inc.  
8001 Braddock Road, Suite 600  
Springfield, Virginia 22160  
703.321.8510  
Mbg@nrtw.org

FOR THE DEFENDANT SOUTHWEST AIRLINES CO.:

**PAULO B. MCKEEBY**  
Reed Smith  
2850 North Harwood Street  
Suite 1500  
Dallas, Texas 75201  
Pmckeeby@reedsmith.com

FOR THE DEFENDANT TRANSPORT WORKERS UNION OF AMERICA:

EDWARD B. CLOUTMAN, III  
Law Offices of Edward Cloutman III  
3301 Elm Street  
Dallas, Texas 75226  
214.232.9015  
Ecloutman@lawoffices.email

Page 2

Page 4

Procedure, and the provisions stated on the record or attached hereto.

ADAM S. GREENFIELD  
Cloutman & Greenfield, PLLC  
3301 Elm Street  
Dallas, Texas 75226  
Agreenfield@candglegal.com

ALSO PRESENT:  
Lisa Block, Videographer  
Charlene Carter  
Chris Maberry  
Lauren Armstrong

	Page 5
1	INDEX
2	PAGE
3	Appearances..... 2
4	BRETT NEVAREZ
5	EXAMINATION BY MR. HILL..... 7
6	EXAMINATION BY MR. GREENFIELD.....29
7	EXAMINATION BY MR. MCKEEBY.....31
8	EXAMINATION BY MR. GREENFIELD.....34
9	Witness's Signature Page..... 37
10	Reporter's Certificate Page..... 40
11	(No exhibits were marked).
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
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Page 6

1 THE VIDEOGRAPHER: We're going on the  
2 record July 8, 2022 for the deposition of Brett  
3 Nevarez in a case styled Charlene Carter versus  
4 Southwest Airlines Company and Transport Workers  
5 Union of America, Local 556, Civil Case No.  
6 3:17-cv-02278-X, in the United States District  
7 Court for the Northern District of Texas, Dallas  
8 Division. The time is now 8:02 p.m.  
9 Will counsel please state their  
10 appearances, locations, and any agreements or  
11 stipulations for the record. Following will the  
12 court reporter please swear in the witness.  
13 MR. HILL: Matt Hill and Matt Gilliam,  
14 both in Dallas, Texas, for plaintiff, Charlene  
15 Carter.  
16 MR. MCKEEBY: Paulo McKeeby in Dallas,  
17 Texas for defendant Southwest Airlines, and Chris  
18 Maberry and Lauren Bobis-Armstrong from Southwest  
19 legal department are also on the call.  
20 MR. GREENFIELD: Adam Greenfield along  
21 with Edward Cloutman, III. We are in Dallas,  
22 Texas on behalf of TWU Local 556. And the only  
23 agreement on the record is that the deposition  
24 will be limited to an hour and a half today.  
25 MR. HILL: Agreed.

Page 7

1 \* \* \*  
2 BRETT NEVAREZ,  
3 having been first duly sworn, testified as  
4 follows:  
5 EXAMINATION  
6 BY MR. HILL:  
7 Q. Mr. Nevarez, could you tell the jury what  
8 it was that your position was with Southwest  
9 Airlines in 2000 -- I'm sorry, with the, with the  
10 TWU Local 556 in 2017?  
11 A. I was second vice president of the local  
12 and also a negotiating team member.  
13 Q. Were you also a core team member for  
14 Audrey Stone?  
15 A. A core team member? I, I don't know what  
16 you mean by that.  
17 Q. Did, did -- are you familiar with what the  
18 core team is?  
19 A. No.  
20 Q. Okay. So are you telling us today that  
21 you have no knowledge of a core team that  
22 advocated on behalf of the candidacies of your  
23 executive board?  
24 A. What, what core team? I'm not sure what  
25 you're talking about. Are you --

Page 8

1 Q. I'm talking about this --  
2 A. -- talking about an election cycle in 2015  
3 or are you talking about 2017? There was no --  
4 Q. There was --  
5 A. -- election in 2017.  
6 Q. Okay. So was, was there a core team in  
7 2015?  
8 A. Yes.  
9 Q. And were you on that team?  
10 A. Yes.  
11 Q. And when did that team cease to exist?  
12 A. When we won the election.  
13 Q. Are you familiar with something called the  
14 contract action network?  
15 A. Yes.  
16 Q. Frequently called the CAN team?  
17 A. Yes.  
18 Q. Were you also on that?  
19 A. Yes, as a member of the negotiating team,  
20 I'm part of the CAN.  
21 Q. And you're one of the ones who negotiated  
22 the collective bar -- the collective bargaining  
23 agreement on behalf of Local 556, right?  
24 A. Correct.  
25 Q. Okay. What was your relationship with

Page 9	Page 11
<p>1 Audrey Stone?</p> <p>2 A. I was the second vice president.</p> <p>3 Q. You ran together -- well, did -- do you</p> <p>4 ever run for election together?</p> <p>5 A. Yes.</p> <p>6 Q. Did you frequently work together?</p> <p>7 A. Yes.</p> <p>8 Q. On union business and in your flying; is</p> <p>9 that right?</p> <p>10 A. Yes.</p> <p>11 Q. Was she -- did you consider her a good</p> <p>12 friend?</p> <p>13 A. I still do, yes.</p> <p>14 Q. You -- did you and do you con -- well,</p> <p>15 I'll ask them separately.</p> <p>16 Did you consider her a confidante?</p> <p>17 A. Yes.</p> <p>18 Q. Do you know whether she considered you a</p> <p>19 confidant?</p> <p>20 A. Yes. I believe so.</p> <p>21 Q. Would she frequently consult you on</p> <p>22 important decisions that she made with the union?</p> <p>23 A. Yes.</p> <p>24 Q. Did she consult you when she received a</p> <p>25 message from Charlene Carter that she eventually</p>	<p>1 Q. Did you discuss with her what should be</p> <p>2 included in the complaint?</p> <p>3 A. No.</p> <p>4 Q. But you agreed she should make it?</p> <p>5 A. Yes.</p> <p>6 Q. When she submitted the complaint, did you</p> <p>7 understand her to be doing that in her role as</p> <p>8 union president?</p> <p>9 A. She, she never disconten -- I mean, she's</p> <p>10 always the president of the union. You can't</p> <p>11 separate the, the roles between flight attendant</p> <p>12 and employee and president of the union, in my</p> <p>13 opinion.</p> <p>14 Q. And you supported her making that</p> <p>15 complaint, despite her role as union president,</p> <p>16 right?</p> <p>17 A. Yes.</p> <p>18 Q. I'm gonna show you an exhibit.</p> <p>19 MR. HILL: I need screen sharing</p> <p>20 enabled, Melody.</p> <p>21 Q. Do you recognize Exhibit 25?</p> <p>22 A. I'm trying to enlarge it. I can't read</p> <p>23 it.</p> <p>24 Q. I can blow it up for you, if you'd like.</p> <p>25 A. Yeah, blow it up, please. A little bit</p>
Page 10	Page 12
<p>1 submitted a complaint to Southwest about?</p> <p>2 A. Yes.</p> <p>3 Q. And what did you tell her?</p> <p>4 A. I told her that the video was offensive.</p> <p>5 Q. Did you suggest that she submit a</p> <p>6 complaint?</p> <p>7 A. Yes.</p> <p>8 Q. What did she tell you -- what, what -- how</p> <p>9 did she, how did she raise the issue with you?</p> <p>10 A. We were at a meeting in Baltimore, and I</p> <p>11 arrived, and she was distraught; and I asked her</p> <p>12 what was wrong, and she showed me the instant</p> <p>13 message that your client had sent her.</p> <p>14 Q. You, you were in an in-person meeting with</p> <p>15 her in Baltimore when she re -- when she received</p> <p>16 it and was distraught?</p> <p>17 A. Yes.</p> <p>18 MR. GREENFIELD: Object, objection to</p> <p>19 the form. Mischaracterizes the testimony.</p> <p>20 Q. Did you, did you work with her on the</p> <p>21 complaint?</p> <p>22 A. No.</p> <p>23 Q. Did she ever show you a draft of the</p> <p>24 complaint before it was sent?</p> <p>25 A. No.</p>	<p>1 more. Okay. Right there. Oh, yeah, that's fine,</p> <p>2 right there. Yes.</p> <p>3 Q. You, you say in that e-mail, Cuyler's</p> <p>4 favorite is threatening to decert right now.</p> <p>5 Who is Cuyler's favorite?</p> <p>6 A. Charlene Carter.</p> <p>7 Q. And it says she wants to decert now that</p> <p>8 she's not a member and cannot be charged, right?</p> <p>9 A. That's, that's what it says, yes.</p> <p>10 Q. Why was -- why did you refer to Charlene</p> <p>11 Carter as Cuyler's favorite?</p> <p>12 A. It's a sarcastic term. She's not his</p> <p>13 favorite.</p> <p>14 Q. And why is that?</p> <p>15 A. Because she had been very adversarial for</p> <p>16 many years.</p> <p>17 Q. You, you and the rest of the executive</p> <p>18 board had shared your negative opinions of people</p> <p>19 that were opposed to the union, right, people</p> <p>20 opposed to the union leadership?</p> <p>21 MR. GREENFIELD: Objection, lack of</p> <p>22 foundation. Calls for speculation as to what the</p> <p>23 rest of the executive board felt about Ms. Carter.</p> <p>24 You may answer, Mr. Nevarez, if you</p> <p>25 understand.</p>

<p style="text-align: right;">Page 13</p> <p>1 A. I've known Charlene Carter since 2001, and</p> <p>2 we've had a very adversarial relationship. I</p> <p>3 can't speak to anyone else's relationship with</p> <p>4 her, but mine certainly.</p> <p>5 Q. Well, you and, you and -- you were one of</p> <p>6 Ms. Stone's close confidants. You know that Ms.</p> <p>7 Stone had an adversarial relationship with</p> <p>8 Ms. Carter, too, don't you?</p> <p>9 A. I, I couldn't characterize it as that, no.</p> <p>10 They -- she had just become president a year prior</p> <p>11 in 2013, and this meeting, this was after a</p> <p>12 membership meeting where Charlene had decided --</p> <p>13 not decided, had threatened to decertify the</p> <p>14 union.</p> <p>15 Q. Did Ms. Stone ever talk to you about her</p> <p>16 opinion, whether before this e-mail or after this</p> <p>17 e-mail, did Ms. Stone ever talk to you about her</p> <p>18 opinion of Charlene Carter?</p> <p>19 A. No.</p> <p>20 Q. Never?</p> <p>21 A. No, not -- she doesn't share her personal</p> <p>22 opinions about members. She's -- she doesn't --</p> <p>23 Q. Well --</p> <p>24 A. -- she doesn't talk like that.</p> <p>25 Q. Well, we know what her opinion of</p>	<p style="text-align: right;">Page 15</p> <p>1 international and talk to, to our, our, our</p> <p>2 lawyers on retainer.</p> <p>3 Q. What course of action were you</p> <p>4 considering?</p> <p>5 MR. GREENFIELD: Objection to any</p> <p>6 communications about what your decision may or may</p> <p>7 not have been pursuant to the advice of lesal --</p> <p>8 legal counsel. If you had any opinion as to the</p> <p>9 matter prior to that, Mr. Nevarez, I will instruct</p> <p>10 you to answer the question on those grounds. But</p> <p>11 anything that came from advice of legal counsel or</p> <p>12 steps that were taken pursuant to advice of legal</p> <p>13 counsel, I would advise you not to answer that</p> <p>14 question.</p> <p>15 You may answer, if you understand.</p> <p>16 A. That's attorney-client privileged</p> <p>17 information. My personal opinion is that we</p> <p>18 should monitor any kind of communications that</p> <p>19 she's putting out to stem any kind of decert</p> <p>20 effort.</p> <p>21 Q. Okay. How would you monit -- what would</p> <p>22 you do -- once you received whatever communication</p> <p>23 she was putting out, what would you do to monit --</p> <p>24 to, to stem the decert effort?</p> <p>25 MR. GREENFIELD: Objection, form.</p>
<p style="text-align: right;">Page 14</p> <p>1 Ms. Carter was when she received the e-mail that</p> <p>2 you told her that -- that you told us that she was</p> <p>3 distraught about, right?</p> <p>4 MR. GREENFIELD: Objection, form --</p> <p>5 A. Yes, three years late -- yeah, three years</p> <p>6 later, yes.</p> <p>7 MR. GREENFIELD: Excuse me, Mr.,</p> <p>8 Mr. Nevarez, hold on one moment, please.</p> <p>9 THE WITNESS: All right.</p> <p>10 MR. GREENFIELD: I'm objecting to the,</p> <p>11 to the form of the question. Again, lack of</p> <p>12 foundation, calls for speculation as to what</p> <p>13 Ms. Stone was thinking at the time. Mr. Nevarez</p> <p>14 just testified that he does not know.</p> <p>15 Q. When Ms. Stone received the e-mail that</p> <p>16 you discussed from Ms. Carter, did she express to</p> <p>17 you any opinion about Ms. Carter at that time?</p> <p>18 A. No, not at that time. She was totally</p> <p>19 distraught by the video. It's very graphic and</p> <p>20 disturbing. She was crying and, and very upset.</p> <p>21 There wasn't much talking going on.</p> <p>22 Q. When you say, I am contacting legal and</p> <p>23 coun -- legal counsel and will keep you advised,</p> <p>24 what did you mean by that?</p> <p>25 A. That meant I would talk to the</p>	<p style="text-align: right;">Page 16</p> <p>1 Mischaracterizes the testimony.</p> <p>2 You may answer, Mr. Nevarez.</p> <p>3 A. I would make sure that the union officials</p> <p>4 in her base and in other bases were aware that a</p> <p>5 decert was going on. None of that occurred.</p> <p>6 Q. Would you take any action against her?</p> <p>7 A. None of that occurred, so I couldn't take</p> <p>8 any action against her.</p> <p>9 Q. Okay. I'm going to point you now to</p> <p>10 Exhibit 27. Do you recognize Exhibit 27?</p> <p>11 A. Yes.</p> <p>12 Q. What is it?</p> <p>13 A. It's a communication from Brian Talburt.</p> <p>14 Q. I'm going to direct your attention to an</p> <p>15 e-mail here at the bottom from, from yourself to</p> <p>16 Brian Talburt. Do you recognize that</p> <p>17 communication?</p> <p>18 A. Yes.</p> <p>19 Q. What does leg breaking time for Casper the</p> <p>20 ghost scab mean?</p> <p>21 A. I -- that means Casper the ghost needs</p> <p>22 their legs broken.</p> <p>23 Q. Who is Casper the ghost?</p> <p>24 A. I don't know. A cartoon character.</p> <p>25 Q. You're referring -- well, is there, is</p>

Brett Nevarez

Page 17	Page 19
<p>1 there a -- is there an employee named Casper?</p> <p>2 A. No.</p> <p>3 Q. I direct your attention to a -- another</p> <p>4 part of the e-mail. It says Casper and Hofer</p> <p>5 Rant.</p> <p>6 Does this refrect your -- refresh your</p> <p>7 rexellection -- recollection as to whether there</p> <p>8 was an employee named -- with, with the last name</p> <p>9 Casper?</p> <p>10 A. Yes.</p> <p>11 Q. Who -- do you know his name now?</p> <p>12 A. Mike Casper. He doesn't work here</p> <p>13 anymore.</p> <p>14 Q. Okay.</p> <p>15 A. Not --</p> <p>16 (Inaudible cross-talk).</p> <p>17 Q. Now let's go back to Casper the ghost</p> <p>18 scab. Is that your nickname for Mi -- for Mike</p> <p>19 Casper?</p> <p>20 A. Yes.</p> <p>21 Q. Why did you call Casper the ghost scab --</p> <p>22 I'm sorry, why did you call Mike Casper, Casper</p> <p>23 the ghost scab?</p> <p>24 A. Because I believed him to be a scab and a</p> <p>25 ghost.</p>	<p>1 executive board frequently engaged in and, and,</p> <p>2 and used --</p> <p>3 A. No.</p> <p>4 Q. -- with each other?</p> <p>5 A. That's a bad habit of mine, a lot. I</p> <p>6 can't speak for the executive board. I can speak</p> <p>7 for myself.</p> <p>8 Q. Did Audrey Stone ever use any of those</p> <p>9 nicknames?</p> <p>10 A. No, most definitely not.</p> <p>11 Q. Okay. I'm going to direct your attention</p> <p>12 to an Exhibit 21-X.</p> <p>13 Do you recognize this document?</p> <p>14 A. Yes.</p> <p>15 Q. Who is Rickie Spand? I'm sorry, what is</p> <p>16 it?</p> <p>17 A. It's an e-mail from Rickie Spand to the</p> <p>18 executive board.</p> <p>19 Q. And who is Rickie Spand?</p> <p>20 A. A flight attendant.</p> <p>21 Q. Would you agree that in this e-mail Rickie</p> <p>22 Spand -- oh, well, a -- besides being a flight</p> <p>23 attendant, what else -- did, did Rickie Spand hold</p> <p>24 any positions with the union?</p> <p>25 A. I -- he might have been a shop steward at</p>
Page 18	Page 20
<p>1 Q. Why, why did you believe those things</p> <p>2 about him?</p> <p>3 A. Because he's a union buster.</p> <p>4 Q. What made him a union buster?</p> <p>5 A. Not supporting the union and --</p> <p>6 (Inaudible cross-talk).</p> <p>7 Q. Does anyone who support -- didn't support</p> <p>8 the union a union buster?</p> <p>9 MR. GREENFIELD: Objection to the</p> <p>10 form. I would ask that you let my -- let the</p> <p>11 witness answer the question, please.</p> <p>12 MR. HILL: I was trying.</p> <p>13 Q. If I interrupted and you had more to say,</p> <p>14 I, I apologize. You can finish the rest of your</p> <p>15 answer.</p> <p>16 A. I, I believe I'm finished.</p> <p>17 Q. Okay.</p> <p>18 A. Go ahead.</p> <p>19 Q. And then was every employee who opposed</p> <p>20 the union a scab, in your view?</p> <p>21 A. No.</p> <p>22 Q. Did you have nicknames for a lot of union</p> <p>23 opponents?</p> <p>24 A. Yes.</p> <p>25 Q. That was something that you and the</p>	<p>1 that time. It's 2017. I'm not sure.</p> <p>2 Q. At some point Rickie Spand was a shop</p> <p>3 steward, right?</p> <p>4 A. Correct. Yes.</p> <p>5 Q. And that is an elected official of the</p> <p>6 union, just like you, right?</p> <p>7 A. No.</p> <p>8 Q. That's an elected official of the union?</p> <p>9 A. Yes. A shop steward is elected by the</p> <p>10 people on their base. I was elected by the entire</p> <p>11 membership, all bases.</p> <p>12 Q. Understood. And in this e-m -- in this</p> <p>13 e-mail Mr. Spand is complaining about Jeanna</p> <p>14 Jackson, right?</p> <p>15 A. Yes.</p> <p>16 Q. And what, what he's complaining about is,</p> <p>17 is her social media posts, right?</p> <p>18 A. Yes.</p> <p>19 Q. And you're asking for the leadership to</p> <p>20 stop this behavior, right? I'm sorry, he was</p> <p>21 asking, he was asking for the leadership to stop</p> <p>22 this behavior, right?</p> <p>23 A. Yeah, that's, that's what his e-mail is</p> <p>24 regarding, yes.</p> <p>25 Q. Did you take any action in response to</p>

5 (Pages 17 to 20)

Brett Nevarez

Page 21	Page 23
<p>1 this e-mail?</p> <p>2 A. I don't believe so.</p> <p>3 Q. Okay. We had some trouble getting you to</p> <p>4 appear for this deposition, didn't we?</p> <p>5 A. Yes, I was at work. You were aware of it,</p> <p>6 as was Southwest Airlines. I worked on July 3rd,</p> <p>7 4th, 5th, and 6th, and then Hawaii time, so that's</p> <p>8 five hours off of Dallas time. It was an</p> <p>9 unreasonable request.</p> <p>10 Q. Southwest requested you to show up for our</p> <p>11 -- for the previously noticed deposition, right?</p> <p>12 A. Southwest and you and Adam and, and Ed.</p> <p>13 Q. And, and Mr. McKeeby also, right?</p> <p>14 A. Yeah, everybody knew I was at work. You,</p> <p>15 you can't, you can't pretend like you didn't know</p> <p>16 I was working or flying. That's ridiculous.</p> <p>17 Q. Well, you told all of them you wouldn't</p> <p>18 attend, right?</p> <p>19 A. I didn't accept service.</p> <p>20 Q. That wasn't my question.</p> <p>21 MR. HILL: Object to nonresponsive.</p> <p>22 Q. You told all of them you wouldn't attend,</p> <p>23 right?</p> <p>24 A. No. I didn't speak to the Southwest</p> <p>25 people.</p>	<p>1 A. -- receive service, so I -- technically I</p> <p>2 didn't receive it.</p> <p>3 Q. Well, you, you were aware of it, right?</p> <p>4 A. I'm aware of it, yeah. That doesn't mean</p> <p>5 I received it or acknowledged it or accepted it.</p> <p>6 Q. Okay. So despite being aware that a court</p> <p>7 had ordered you to appear for a deposition, you</p> <p>8 decided to ignore his order; is that true?</p> <p>9 A. I'm -- am I not being deposed right now?</p> <p>10 There are no sanctions against me.</p> <p>11 Q. Right.</p> <p>12 A. I was --</p> <p>13 (Inaudible cross-talk).</p> <p>14 Q. There was -- there were, there were two</p> <p>15 different orders that were issued to you. I'm</p> <p>16 sorry. There were two different orders --</p> <p>17 A. I didn't --</p> <p>18 Q. I'm sorry. I, I keep thinking you're</p> <p>19 done, and you're not. I apologize.</p> <p>20 There were two different orders that</p> <p>21 were issued against you; is that right?</p> <p>22 A. I don't know how many orders were issued.</p> <p>23 All I know is the show cause last night, I took</p> <p>24 care of it, and I'm here now.</p> <p>25 Q. You were aware of a previous order that</p>
Page 22	Page 24
<p>1 Q. Okay. Every one of those --</p> <p>2 A. I personally --</p> <p>3 (Inaudible cross-talk).</p> <p>4 Q. -- that you talked to, you told them you</p> <p>5 wouldn't attend, right?</p> <p>6 A. Excuse me?</p> <p>7 THE REPORTER: I'm sorry, we have to</p> <p>8 have one at a time. I, I didn't understand what</p> <p>9 either of you said.</p> <p>10 Q. Every one of the Southwest people you</p> <p>11 talked to -- I'm sorry, every one of the people</p> <p>12 that, that asked you to come to the deposition,</p> <p>13 you told them you wouldn't attend; is that right?</p> <p>14 A. No, that's incorrect. I didn't speak to</p> <p>15 anyone until last night.</p> <p>16 Q. You simply ignored their calls until then?</p> <p>17 A. Yes. I told you it was an unreasonable</p> <p>18 request. I was flying, you were aware of it,</p> <p>19 Southwest was aware of it. If they wanted to make</p> <p>20 me available, they would have pulled my trip and</p> <p>21 they would have told me to come to Dallas.</p> <p>22 Q. You received an order from the court to</p> <p>23 appear at a deposition, did you not?</p> <p>24 A. Yes, I did, but I didn't --</p> <p>25 Q. And you --</p>	<p>1 was issued to you that instructed you to attend a</p> <p>2 deposition, weren't you?</p> <p>3 A. I've already acknowledged that, and that I</p> <p>4 didn't accept service --</p> <p>5 Q. And you ignored that order, did you not?</p> <p>6 A. Outside of a hundred miles.</p> <p>7 Q. You blew it off, you said, I'm not within</p> <p>8 a hundred miles, I'm ignoring the court's order;</p> <p>9 is that right?</p> <p>10 MR. GREENFIELD: Objection, form.</p> <p>11 Asked and answered.</p> <p>12 Q. You can answer.</p> <p>13 A. I already have. He just told you, asked</p> <p>14 and answered.</p> <p>15 Q. No. You need to answer my question.</p> <p>16 A. I already answered your question.</p> <p>17 Q. The first --</p> <p>18 A. I said I did not accept acceptance of the</p> <p>19 subpoena, and until the show cause last night, and</p> <p>20 I've shown cause and I'm here now, and I'm done</p> <p>21 answering that question. It's already answered.</p> <p>22 Q. So the court ordered you to appear and</p> <p>23 answer questions tonight, and that's what I'm</p> <p>24 requesting you to do right now. Are you now</p> <p>25 refusing to do that as well?</p>

6 (Pages 21 to 24)

Brett Nevarez

Page 25	Page 27
<p>1 A. That's what I'm doing right now, I'm</p> <p>2 answering questions.</p> <p>3 Q. No, you're refusing to answer my question.</p> <p>4 A. I just --</p> <p>5 Q. I'll go back and ask the question I asked</p> <p>6 you before, and I'm gonna expect an answer. The</p> <p>7 an -- the question I was asking you --</p> <p>8 A. The answer is --</p> <p>9 Q. -- before is --</p> <p>10 A. -- I'm here now.</p> <p>11 Q. Before the show cause order, you were</p> <p>12 issued a previous order by the court that</p> <p>13 instructed you to appear for a deposition, and you</p> <p>14 ignored that order because you didn't believe that</p> <p>15 you were within a hundred miles and it was</p> <p>16 therefore not a valid order; is that right?</p> <p>17 MR. GREENFIELD: Objection --</p> <p>18 A. Yes.</p> <p>19 MR. GREENFIELD: -- form, mischaracter</p> <p>20 -- mischaracterizes --</p> <p>21 A. That's what I've already said --</p> <p>22 MR. GREENFIELD: Excuse me,</p> <p>23 Mr. Nevarez.</p> <p>24 Objection, form and mischaracterizes</p> <p>25 testimony and is a partial explanation as to what</p>	<p>1 Q. Do you consider a non -- a, a, a nonunion</p> <p>2 member objector to be a union buster?</p> <p>3 A. Yes.</p> <p>4 Q. Do you consider a recall supporter to be a</p> <p>5 union buster?</p> <p>6 A. No.</p> <p>7 Q. Did you make any efforts to collect social</p> <p>8 media posts on, on what you considered to be union</p> <p>9 opponents?</p> <p>10 A. No.</p> <p>11 Q. Did you -- are you aware of anyone who</p> <p>12 did?</p> <p>13 A. No, I don't think so. I -- all I was</p> <p>14 worried was about is decertification.</p> <p>15 Q. Who's Brian Talburt?</p> <p>16 A. A Phoenix flight attendant.</p> <p>17 Q. And was he a friend of yours?</p> <p>18 A. Yes.</p> <p>19 Q. Did, did he and you and Ms. Stone fly</p> <p>20 together frequently?</p> <p>21 A. No.</p> <p>22 Q. Do you know whether he was a friend of</p> <p>23 Ms. Stone's?</p> <p>24 A. Yes.</p> <p>25 Q. A good friend, do you know?</p>
Page 26	Page 28
<p>1 Mr. Nevarez gave to the court.</p> <p>2 You may answer, Mr. Nevarez.</p> <p>3 Q. Because Mr. Nevarez was -- I'm sorry,</p> <p>4 because Mr. Greenfield was speaking during that,</p> <p>5 I'm gonna, I'm gonna ask you to confirm, your</p> <p>6 answer was yes to my question; is that right?</p> <p>7 MR. GREENFIELD: Objection, form.</p> <p>8 Mr. Nevarez was trying to speak during the middle</p> <p>9 of the objection.</p> <p>10 Mr. Nevarez, please answer the</p> <p>11 question to best of your ability.</p> <p>12 A. I'm here now. I'm being deposed now.</p> <p>13 I'm --</p> <p>14 Q. Your answer to whether you decided to</p> <p>15 ignore the previous order from the court was yes,</p> <p>16 was it, was it not?</p> <p>17 A. Yes.</p> <p>18 MR. HILL: We'll take a very, very</p> <p>19 short break, and we'll be right back and hopefully</p> <p>20 wrap up and we'll be done.</p> <p>21 THE VIDEOGRAPHER: Going off the</p> <p>22 record at 8:27.</p> <p>23 (Recess).</p> <p>24 THE VIDEOGRAPHER: We are back on the</p> <p>25 record with Clip 2 at 8:31.</p>	<p>1 A. I don't know.</p> <p>2 Q. Okay. Did you have any nicknames for</p> <p>3 Charlene Carter who was previously known as</p> <p>4 Charlene Carter Batts?</p> <p>5 A. Yes.</p> <p>6 Q. What was your nickname for her?</p> <p>7 A. Batshit, as in batshit crazy.</p> <p>8 Q. Why was that?</p> <p>9 A. Because I believe her to be disturbed.</p> <p>10 Q. What did she do that made you believe that</p> <p>11 she was disturbed?</p> <p>12 A. It began in 2001, irrational behavior and</p> <p>13 just problematic behavior.</p> <p>14 Q. Did Audrey Stone ever tell you what her</p> <p>15 purpose was gonna be in sending the complaint to</p> <p>16 Southwest about Ms. Carter?</p> <p>17 A. No.</p> <p>18 Q. Did you have a nickname for Jeanna</p> <p>19 Jackson?</p> <p>20 A. No.</p> <p>21 Q. Did anyone else use that batshit nickname</p> <p>22 for Ms. Carter?</p> <p>23 A. No. I think it's just me.</p> <p>24 MR. HILL: Okay. I don't have</p> <p>25 anything further.</p>

7 (Pages 25 to 28)

Brett Nevarez

Page 29

1 MR. GREENFIELD: The union has a few  
2 questions.  
3 EXAMINATION  
4 BY MR. GREENFIELD:  
5 Q. Mr. Nevarez, I turned my camera back on.  
6 Sorry, it's getting late here in Dallas, Texas,  
7 and I took off my shirt and tie. Is that all  
8 right?  
9 A. Yeah. That's fine.  
10 Q. Okay. Mr. Hill, opposing counsel, showed  
11 you Exhibit 27. Do you remember that exhibit?  
12 A. Yeah, an e-mail thread.  
13 MR. GREENFIELD: And, Mr. Hill, you  
14 have to any objection -- I don't have access to  
15 that document. Do you have any objection that the  
16 date of that e-mail was October 13th, 2014?  
17 MR. HILL: I'll look over at it.  
18 MR. GREENFIELD: Yes, sir.  
19 MR. HILL: You say October 13th, 2014?  
20 MR. GREENFIELD: Yes, sir.  
21 MR. HILL: That's correct.  
22 MR. GREENFIELD: Okay.  
23 Q. And, Mr. Nevarez, did you ever represent  
24 Brian Talburt at a fact-finding or Step 2 meeting?  
25 A. Yes, I did.

Page 30

1 Q. Does the date of October 13th, 2014  
2 coincide with that representation?  
3 A. I believe so.  
4 Q. And did Mr. Talburt make a specific  
5 request for you to represent him at that meeting?  
6 A. Yes.  
7 Q. And was it union practice for when a  
8 member requested specific representation at a Step  
9 2 or fact-finding meeting, that that be granted?  
10 A. Yes. Historically.  
11 Q. Thank you.  
12 Mr. Rickie Spand was discussed  
13 earlier. Was Mr. Spand a member of the executive  
14 board?  
15 A. No.  
16 Q. Did he hold any office positions with the  
17 union?  
18 A. He had been a shop steward in the past.  
19 I'm not sure if he was a shop steward in 2017, the  
20 date of the e-mail.  
21 Q. Okay. Best recollection, was he a shop  
22 steward at the date of that e-mail?  
23 A. I'm gonna say no.  
24 Q. Okay. And let me come back to Mr.  
25 Talburt. Mr. Talburt was not a board member,

Page 31

1 correct?  
2 A. No.  
3 Q. And Mr. Talburt didn't hold a position  
4 with the union office?  
5 A. No.  
6 MR. GREENFIELD: No more questions.  
7 I'll pass the witness.  
8 EXAMINATION  
9 BY MR. MCKEEBY:  
10 Q. Hello, Mr. Nevarez. This is Paulo  
11 McKeeby. I'm the schmuck who is still wearing his  
12 necktie. And I have a couple of questions for  
13 you.  
14 A. Okay.  
15 Q. You mentioned that when you met with  
16 Ms. Stone in Baltimore, she was distraught. Can  
17 you explain to the jury a little bit more about  
18 what you meant by that?  
19 A. She was crying and, and could barely  
20 speak. She just handed me her phone, and I, I  
21 turned the video on.  
22 Q. Was it -- had she received one or two  
23 videos at that point, or did you know?  
24 A. I, I only watched a few seconds of one  
25 video. That was enough for me to, to know that I

Page 32

1 didn't want to watch any more.  
2 Q. Did you -- do you know if there were two  
3 videos or not?  
4 A. I don't know if there were two or if it  
5 was sent twice. It was -- instant message is very  
6 inconsistent.  
7 Q. Okay. Did you have to click on the video  
8 to make it play?  
9 A. Yes.  
10 Q. And it was on her phone?  
11 A. Yes.  
12 Q. And she handed it to you, and you observed  
13 it at that meeting in Baltimore?  
14 A. Yes.  
15 Q. Did she indicate when she had received it?  
16 A. Earlier that day.  
17 Q. Did she indicate to you where she had  
18 viewed it?  
19 A. Where she had --  
20 Q. Yeah. Where was --  
21 A. -- where she had what?  
22 Q. Yeah. Where was she when she, when she  
23 watched it, if she indicated that to you?  
24 A. No, I, I -- no, I don't think she told me  
25 that. I just assumed there at the, at the

8 (Pages 29 to 32)

Brett Nevarez

Page 33	Page 35
<p>1 facility. We were at the maritime facility 2 outside the, the Baltimore/Washington airport. 3 Q. I forget if Mr. Greenfield asked you this, 4 but have you ever turned in an employee, a 5 Southwest employee for a violation of the social 6 media policy? 7 A. No. 8 Q. Have you ever been turned in for violating 9 the social media policy? 10 A. Yes. 11 Q. Who did that? 12 A. I don't know. 13 Q. What was the violation, or alleged 14 violation? 15 A. It was a Facebook post that was turned in 16 to management. 17 Q. What, what did you post? 18 A. I posted that Lyn was being 19 discriminatory. I believed it to be 20 union-protected speech, that she had posted 21 some -- she behaved derogatorily in a Dallas 22 membership meeting. 23 Q. Who was that? 24 A. Lyn Montgomery, the president. 25 Q. What does the concept of union-protected</p>	<p>1 Q. Okay. Can you elaborate on that, if you 2 remember? 3 A. Well, she had -- threats had escalated 4 since the failed TA in 2015, and she had become 5 increasing, increasing -- increasingly anxious as 6 a result of e-mails and phone calls and instant 7 messages and all that kind of stuff. 8 Q. You're discussing increased threats. What 9 does that mean? 10 A. Well, basically like hate mail, wait until 11 you get back online, that kind of thing. 12 MR. GREENFIELD: I have no more 13 questions for you, Mr. Nevarez. Thank you for 14 appearing this evening. 15 MR. MCKEEBY: No questions from me. 16 MR. HILL: Let me, let me take one 17 more short break, and we'll hopefully be done very 18 quickly. 19 THE VIDEOGRAPHER: Going off the 20 record at 8:41. 21 (Recess). 22 THE VIDEOGRAPHER: We're back on the 23 record with Clip 3 at 8:44. 24 MR. HILL: Mr. Nevarez, I have no 25 further questions.</p>
Page 34	Page 36
<p>1 speech mean to you? 2 A. That management can't hold what's said in 3 a membership meeting a -- against a member. 4 MR. MCKEEBY: Okay. No further 5 questions. Thank you, Mr. Nevarez. 6 MR. GREENFIELD: I have a couple 7 follow-up questions for Mr. -- based on Mr. 8 McKeeby's questions, if I may. Any objections? 9 MR. MCKEEBY: None from me. 10 MR. HILL: None. 11 EXAMINATION 12 BY MR. GREENFIELD: 13 Q. Mr. Nevarez, did Ms. Stone ever speak to 14 you about her physical well-being after receiving 15 those posts -- after receiving the messages from 16 Ms. Carter? 17 A. Unfortunately, yes. 18 Q. What did Ms. Stone express to you in that 19 regard? 20 A. She was disturbed. She was having 21 trouble, she was emotionally disturbed by it. 22 Q. Did she express to you whether or not she 23 had fears of physical threats based on the 24 messages she received? 25 A. Yes.</p>	<p>1 THE WITNESS: Okay. 2 THE VIDEOGRAPHER: Anyone else? 3 MR. MCKEEBY: No. 4 Thank you, Mr. Nevarez. 5 THE VIDEOGRAPHER: Going off the 6 record at 8:44. 7 THE REPORTER: Okay. Signature? 8 MR. MCKEEBY: It's up to the witness. 9 MR. HILL: Mr. Nevarez, she's asking 10 if you would like a signature. Would, would you 11 like to have an opportunity to read and sign your 12 deposition? 13 THE WITNESS: Yes. 14 (Discussion off the record). 15 THE REPORTER: Does anyone want to 16 purchase a copy? 17 MR. CLOUTMAN: The union does. 18 Condensed only. 19 MR. MCKEEBY: Same as Southwest. 20 (Deposition concluded at 8:45 p.m.) 21 22 23 24 25</p>

Page 37

1 CHANGES AND SIGNATURE  
2 WITNESS NAME: BRETT NEVAREZ DATE: JULY 8, 2022  
3 PAGELINE CHANGE REASON  
4 \_\_\_\_\_  
5 \_\_\_\_\_  
6 \_\_\_\_\_  
7 \_\_\_\_\_  
8 \_\_\_\_\_  
9 \_\_\_\_\_  
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24 \_\_\_\_\_  
25 \_\_\_\_\_

Page 38

1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 I, BRETT NEVAREZ, have read the foregoing  
4 deposition and hereby affix my signature that same  
5 is true and correct, except as noted above.  
6  
7  
8  
9  
10 \_\_\_\_\_  
11 BRETT NEVAREZ  
12  
13  
14 THE STATE OF \_\_\_\_\_  
15 COUNTY OF \_\_\_\_\_  
16  
17 Before me, \_\_\_\_\_, on  
18 this day personally appeared BRETT NEVAREZ, known  
19 to me (or proved to me under oath or through  
20 \_\_\_\_\_) (description of  
21 identity card or other document)) to be the person  
22 whose name is subscribed to the foregoing  
23 instrument and acknowledged to me that they  
24 executed the same for the purposes and  
25 consideration therein expressed.

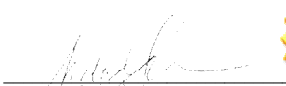

Page 39

1 Given under my hand and seal of office  
2 this \_\_\_\_\_ day of \_\_\_\_\_,  
3 \_\_\_\_\_.  
4  
5  
6  
7 NOTARY PUBLIC IN AND FOR  
THE STATE OF \_\_\_\_\_  
COMMISSION EXPIRES: \_\_\_\_\_  
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Page 40

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF TEXAS  
3 DALLAS DIVISION  
4 CHARLENE CARTER, )  
5 )  
6 Plaintiff, )  
7 )  
8 VS. ) CIVIL ACTION  
9 )  
10 SOUTHWEST AIRLINES CO., ) NO.: 3:17-cv-02278-X  
11 AND TRANSPORT WORKERS )  
12 UNION OF AMERICA, LOCAL )  
13 556, )  
14 )  
15 Defendants. )  
16  
17 REPORTER'S CERTIFICATION  
18 DEPOSITION OF BRETT NEVAREZ  
19 JULY 8, 2022  
20  
21 I, Melody A. Monk, Certified Shorthand  
22 Reporter in and for the State of Texas, hereby  
23 certify to the following:  
24 That the witness, BRETT NEVAREZ, was duly  
25 sworn by the officer and that the transcript of  
the oral deposition is a true record of the  
testimony given by the witness;  
That the deposition transcript was submitted  
on July 9, 2022 to the witness or to the attorney  
for the witness for examination, signature and  
return to me by August 9, 2022;  
That the amount of time used by each party at

10 (Pages 37 to 40)

Page 41	Page 43
<p>1 the deposition is as follows: 2 MATT HILL.....00 HOUR(S):25 MINUTE(S) 3 PAULO MCKEEBY.....00 HOUR(S):04 MINUTE(S) 4 ADAM GREENFIELD.....00 HOUR(S):04 MINUTE(S) 5 That pursuant to information given to the 6 deposition officer at the time said testimony was 7 taken, the following includes counsel for all 8 parties of record: 9 FOR THE PLAINTIFF: 10 MATT HILL 11 Pryor &amp; Bruce 12 302 North San Jacinto 13 Rockwall, Texas 75087 14 972.771.3933 15 Mhill@pryorandbruce.com 16 17 MATTHEW B. GILLIAM 18 National Right to Work Legal Defense 19 Foundation, Inc. 20 8001 Braddock Road, Suite 600 21 Springfield, Virginia 22160 22 703.321.8510 23 Mbg@nrtw.org 24 25 FOR THE DEFENDANT SOUTHWEST AIRLINES CO.: PAULO B. MCKEEBY Reed Smith 2850 North Harwood Street Suite 1500 Dallas, Texas 75201 Pmckeeby@reedsmith.com</p>	<p>1 MELODY MONK REPORTING 2 Firm Registration No. 10821 3 1999 McKinney Avenue, No. 1404 4 Dallas, Texas 75201 5 888.988.5317 (phone and fax) 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
Page 42	
<p>1 FOR THE DEFENDANT TRANSPORT WORKERS UNION OF 2 AMERICA: 3 EDWARD B. CLOUTMAN, III 4 Law Offices of Edward Cloutman III 5 3301 Elm Street 6 Dallas, Texas 75226 7 214.232.9015 8 Ecloutman@lawoffices.email 9 10 ADAM S. GREENFIELD 11 Cloutman &amp; Greenfield, PLLC 12 3301 Elm Street 13 Dallas, Texas 75226 14 Agreenfield@candlegal.com 15 16 That \$_____ is the deposition officer's 17 charges to the Plaintiff for preparing the 18 original deposition transcript and any copies of 19 exhibits; 20 I further certify that I am neither counsel 21 for, related to, nor employed by any of the 22 parties or attorneys in the action in which this 23 proceeding was taken, and further that I am not 24 financially or otherwise interested in the outcome 25 of the action. Certified to by me this 9th day of July, 2022.  Melody A. Monk, RPR Texas CSR No. 3613 Expiration Date: 10/21/2022</p> 	

11 (Pages 41 to 43)

<b>A</b>	<b>answer</b> 12:24 15:10,13,15 16:2 18:11,15 24:12,15,23 25:3,6,8 26:2,6 26:10,14	<b>available</b> 22:20 <b>Avenue</b> 43:2 <b>aware</b> 16:4 21:5 22:18,19 23:3 23:4,6,25 27:11	<b>board</b> 7:23 12:18,23 19:1 19:6,18 30:14 30:25 <b>Bobis-Armstr...</b> 6:18 <b>bottom</b> 16:15 <b>Braddock</b> 3:9 41:14 <b>break</b> 26:19 35:17 <b>breaking</b> 16:19 <b>Brett</b> 1:12,18 5:4 6:2 7:2 37:2 38:3,10 38:18 40:11,17 <b>Brian</b> 16:13,16 27:15 29:24 <b>broken</b> 16:22 <b>Bruce</b> 3:5 41:9 <b>business</b> 9:8 <b>buster</b> 18:3,4,8 27:2,5	16:23 17:1,4,9 17:12,17,19,21 17:22,22 <b>cause</b> 1:20 23:23 24:19,20 25:11 <b>cease</b> 8:11 <b>certainly</b> 13:4 <b>Certificate</b> 5:8 <b>CERTIFICA...</b> 40:10 <b>Certified</b> 40:14 42:20 <b>certify</b> 40:16 42:14 <b>CHANGE</b> 37:3 <b>CHANGES</b> 37:1 <b>character</b> 16:24 <b>characterize</b> 13:9 <b>charged</b> 12:8 <b>charges</b> 42:11 <b>Charlene</b> 1:3 4:6 6:3,14 9:25 12:6,10 13:1 13:12,18 28:3 28:4 40:3 <b>Chris</b> 4:7 6:17 <b>Civil</b> 1:5,25 6:5 40:5 <b>click</b> 32:7 <b>client</b> 10:13 <b>Clip</b> 26:25 35:23 <b>close</b> 13:6 <b>Cloutman</b> 3:21 3:21 4:1 6:21 36:17 42:2,3,7 <b>coincide</b> 30:2 <b>collect</b> 27:7 <b>collective</b> 8:22 8:22 <b>come</b> 22:12,21 30:24 <b>COMMISSION</b> 39:7 <b>communication</b>
<b>ability</b> 26:11 <b>above-styled</b> 1:20 <b>accept</b> 21:19 24:4,18 <b>acceptance</b> 24:18 <b>accepted</b> 23:5 <b>access</b> 29:14 <b>acknowledged</b> 23:5 24:3 38:23 <b>action</b> 1:5 8:14 15:3 16:6,8 20:25 40:5 42:16,19 <b>Adam</b> 4:1 6:20 21:12 41:3 42:6 <b>adversarial</b> 12:15 13:2,7 <b>advice</b> 15:7,11 15:12 <b>advise</b> 15:13 <b>advised</b> 14:23 <b>advocated</b> 7:22 <b>affix</b> 38:4 <b>agree</b> 19:21 <b>agreed</b> 6:25 11:4 <b>agreement</b> 6:23 8:23 <b>agreements</b> 6:10 <b>Agreenfield@...</b> 4:3 42:8 <b>ahead</b> 18:18 <b>Airlines</b> 1:6 3:13 6:4,17 7:9 21:6 40:6 41:18 <b>airport</b> 33:2 <b>alleged</b> 33:13 <b>America</b> 1:7 3:20 6:5 40:7 42:1 <b>amount</b> 40:25	<b>answered</b> 24:11 24:14,16,21 <b>answering</b> 24:21 25:2 <b>anxious</b> 35:5 <b>anymore</b> 17:13 <b>apologize</b> 18:14 23:19 <b>appear</b> 21:4 22:23 23:7 24:22 25:13 <b>appearances</b> 5:2 6:10 <b>appeared</b> 38:18 <b>appearing</b> 3:2 35:14 <b>Armstrong</b> 4:7 <b>arrived</b> 10:11 <b>asked</b> 10:11 22:12 24:11,13 25:5 33:3 <b>asking</b> 20:19,21 20:21 25:7 36:9 <b>assumed</b> 32:25 <b>attached</b> 2:2 <b>attend</b> 21:18,22 22:5,13 24:1 <b>attendant</b> 11:11 19:20,23 27:16 <b>attention</b> 16:14 17:3 19:11 <b>attorney</b> 40:22 <b>attorney-client</b> 15:16 <b>attorneys</b> 42:16 <b>Audrey</b> 7:14 9:1 19:8 28:14 <b>August</b> 40:24	<b>B</b> <b>B</b> 3:8,14,21 41:12,19 42:2 <b>back</b> 17:17 25:5 26:19,24 29:5 30:24 35:11,22 <b>bad</b> 19:5 <b>Baltimore</b> 10:10 10:15 31:16 32:13 <b>Baltimore/Wa...</b> 33:2 <b>bar</b> 8:22 <b>barely</b> 31:19 <b>bargaining</b> 8:22 <b>base</b> 16:4 20:10 <b>based</b> 34:7,23 <b>bases</b> 16:4 20:11 <b>basically</b> 35:10 <b>batshit</b> 28:7,7,21 <b>Batts</b> 28:4 <b>began</b> 28:12 <b>behalf</b> 6:22 7:22 8:23 <b>behaved</b> 33:21 <b>behavior</b> 20:20 20:22 28:12,13 <b>believe</b> 9:20 18:1,16 21:2 25:14 28:9,10 30:3 <b>believed</b> 17:24 33:19 <b>best</b> 26:11 30:21 <b>bit</b> 11:25 31:17 <b>blew</b> 24:7 <b>Block</b> 4:6 <b>blow</b> 11:24,25	<b>C</b> <b>C</b> 3:1 <b>call</b> 6:19 17:21 17:22 <b>called</b> 8:13,16 <b>calls</b> 12:22 14:12 22:16 35:6 <b>camera</b> 29:5 <b>candidacies</b> 7:22 <b>card</b> 38:21 <b>care</b> 23:24 <b>Carter</b> 1:3 4:6 6:3,15 9:25 12:6,11,23 13:1,8,18 14:1 14:16,17 28:3 28:4,16,22 34:16 40:3 <b>cartoon</b> 16:24 <b>case</b> 6:3,5 <b>Casper</b> 16:19,21	

15:22 16:13,17 <b>communicatio...</b> 15:6,18 <b>Company</b> 6:4 <b>complaining</b> 20:13,16 <b>complaint</b> 10:1 10:6,21,24 11:2,6,15 28:15 <b>con</b> 9:14 <b>concept</b> 33:25 <b>concluded</b> 36:20 <b>Condensed</b> 36:18 <b>confidant</b> 9:19 <b>confidante</b> 9:16 <b>confidants</b> 13:6 <b>confirm</b> 26:5 <b>consider</b> 9:11,16 27:1,4 <b>consideration</b> 38:25 <b>considered</b> 9:18 27:8 <b>considering</b> 15:4 <b>consult</b> 9:21,24 <b>contacting</b> 14:22 <b>contract</b> 8:14 <b>copies</b> 42:12 <b>copy</b> 36:16 <b>core</b> 7:13,15,18 7:21,24 8:6 <b>correct</b> 8:24 20:4 29:21 31:1 38:5 <b>coun</b> 14:23 <b>counsel</b> 6:9 14:23 15:8,11 15:13 29:10 41:6 42:14 <b>COUNTY</b> 38:15 <b>couple</b> 31:12 34:6 <b>course</b> 15:3	<b>court</b> 1:1 6:7,12 22:22 23:6 24:22 25:12 26:1,15 40:1 <b>court's</b> 24:8 <b>crazy</b> 28:7 <b>cross-talk</b> 17:16 18:6 22:3 23:13 <b>Cruces</b> 1:24 <b>crying</b> 14:20 31:19 <b>CSR</b> 1:22 42:24 <b>Cuyler's</b> 12:3,5 12:11 <b>cycle</b> 8:2 <hr/> <b>D</b> <b>Dallas</b> 1:2 3:16 3:22 4:2 6:7,14 6:16,21 21:8 22:21 29:6 33:21 40:2 41:21 42:4,8 43:2 <b>date</b> 29:16 30:1 30:20,22 37:2 42:25 <b>day</b> 32:16 38:18 39:2 42:20 <b>decert</b> 12:4,7 15:19,24 16:5 <b>decertification</b> 27:14 <b>decertify</b> 13:13 <b>decided</b> 13:12 13:13 23:8 26:14 <b>decision</b> 15:6 <b>decisions</b> 9:22 <b>defendant</b> 3:13 3:19 6:17 41:18 42:1 <b>Defendants</b> 1:8 40:8	<b>Defense</b> 3:8 41:13 <b>definitely</b> 19:10 <b>department</b> 6:19 <b>deposed</b> 23:9 26:12 <b>deposition</b> 1:11 1:18 6:2,23 21:4,11 22:12 22:23 23:7 24:2 25:13 36:12,20 38:4 40:11,19,21 41:1,5 42:10 42:12 <b>derogatorily</b> 33:21 <b>description</b> 38:20 <b>despite</b> 11:15 23:6 <b>different</b> 23:15 23:16,20 <b>direct</b> 16:14 17:3 19:11 <b>disconten</b> 11:9 <b>discriminatory</b> 33:19 <b>discuss</b> 11:1 <b>discussed</b> 14:16 30:12 <b>discussing</b> 35:8 <b>Discussion</b> 36:14 <b>distraught</b> 10:11 10:16 14:3,19 31:16 <b>District</b> 1:1,1 6:6,7 40:1,1 <b>disturbed</b> 28:9 28:11 34:20,21 <b>disturbing</b> 14:20 <b>Division</b> 1:2 6:8	40:2 <b>document</b> 19:13 29:15 38:21 <b>doing</b> 11:7 25:1 <b>draft</b> 10:23 <b>duly</b> 1:19 7:3 40:17 <hr/> <b>E</b> <b>E</b> 3:1,1 <b>e-m</b> 20:12 <b>e-mail</b> 12:3 13:16,17 14:1 14:15 16:15 17:4 19:17,21 20:13,23 21:1 29:12,16 30:20 30:22 <b>e-mails</b> 35:6 <b>earlier</b> 30:13 32:16 <b>Ecloutman@l...</b> 3:23 42:5 <b>Ed</b> 21:12 <b>Edward</b> 3:21,21 6:21 42:2,3 <b>effort</b> 15:20,24 <b>efforts</b> 27:7 <b>either</b> 22:9 <b>elaborate</b> 35:1 <b>elected</b> 20:5,8,9 20:10 <b>election</b> 8:2,5,12 9:4 <b>Elm</b> 3:22 4:2 42:3,7 <b>else's</b> 13:3 <b>emotionally</b> 34:21 <b>employed</b> 42:15 <b>employee</b> 11:12 17:1,8 18:19 33:4,5 <b>enabled</b> 11:20 <b>engaged</b> 19:1	<b>enlarge</b> 11:22 <b>entire</b> 20:10 <b>escalated</b> 35:3 <b>evening</b> 35:14 <b>eventually</b> 9:25 <b>everybody</b> 21:14 <b>examination</b> 5:5 5:5,6,6 7:5 29:3 31:8 34:11 40:23 <b>Excuse</b> 14:7 22:6 25:22 <b>executed</b> 38:24 <b>executive</b> 7:23 12:17,23 19:1 19:6,18 30:13 <b>exhibit</b> 11:18,21 16:10,10 19:12 29:11,11 <b>exhibits</b> 5:10 42:13 <b>exist</b> 8:11 <b>expect</b> 25:6 <b>Expiration</b> 42:25 <b>EXPIRES</b> 39:7 <b>explain</b> 31:17 <b>explanation</b> 25:25 <b>express</b> 14:16 34:18,22 <b>expressed</b> 38:25 <hr/> <b>F</b> <b>Facebook</b> 33:15 <b>facility</b> 33:1,1 <b>fact-finding</b> 29:24 30:9 <b>failed</b> 35:4 <b>familiar</b> 7:17 8:13 <b>favorite</b> 12:4,5 12:11,13 <b>fax</b> 43:3 <b>fears</b> 34:23
--	---	---	---	---

<p><b>felt</b> 12:23  <b>financially</b>  42:18  <b>fine</b> 12:1 29:9  <b>finish</b> 18:14  <b>finished</b> 18:16  <b>Firm</b> 43:1  <b>first</b> 7:3 24:17  <b>five</b> 21:8  <b>flight</b> 11:11  19:20,22 27:16  <b>fly</b> 27:19  <b>flying</b> 9:8 21:16  22:18  <b>follow-up</b> 34:7  <b>following</b> 6:11  40:16 41:6  <b>follows</b> 7:4 41:1  <b>foregoing</b> 38:3  38:22  <b>forget</b> 33:3  <b>form</b> 10:19 14:4  14:11 15:25  18:10 24:10  25:19,24 26:7  <b>foundation</b> 3:9  12:22 14:12  41:13  <b>frequently</b> 8:16  9:6,21 19:1  27:20  <b>friend</b> 9:12  27:17,22,25  <b>further</b> 28:25  34:4 35:25  42:14,17</p> <hr/> <p><b>G</b></p> <p><b>getting</b> 21:3  29:6  <b>ghost</b> 16:20,21  16:23 17:17,21  17:23,25  <b>Gilliam</b> 3:8 6:13  41:12</p>	<p><b>given</b> 39:1 40:20  41:4  <b>go</b> 17:17 18:18  25:5  <b>going</b> 6:1 14:21  16:5,9,14  19:11 26:21  35:19 36:5  <b>gonna</b> 11:18  25:6 26:5,5  28:15 30:23  <b>good</b> 9:11 27:25  <b>granted</b> 30:9  <b>graphic</b> 14:19  <b>Greenfield</b> 4:1,1  5:5,6 6:20,20  10:18 12:21  14:4,7,10 15:5  15:25 18:9  24:10 25:17,19  25:22 26:4,7  29:1,4,13,18  29:20,22 31:6  33:3 34:6,12  35:12 41:3  42:6,7  <b>grounds</b> 15:10</p> <hr/> <p><b>H</b></p> <p><b>habit</b> 19:5  <b>half</b> 6:24  <b>hand</b> 39:1  <b>handed</b> 31:20  32:12  <b>Harwood</b> 3:15  41:20  <b>hate</b> 35:10  <b>Hawaii</b> 21:7  <b>Hello</b> 31:10  <b>hereto</b> 2:2  <b>Hill</b> 3:4 5:5 6:13  6:13,25 7:6  11:19 18:12  21:21 26:18  28:24 29:10,13</p>	<p>29:17,19,21  34:10 35:16,24  36:9 41:2,9  <b>Historically</b>  30:10  <b>Hofer</b> 17:4  <b>hold</b> 14:8 19:23  30:16 31:3  34:2  <b>hopefully</b> 26:19  35:17  <b>hour</b> 6:24  <b>HOUS(S):04</b>  41:2,3  <b>HOUS(S):25</b>  41:2  <b>hours</b> 21:8  <b>hundred</b> 24:6,8  25:15</p> <hr/> <p><b>I</b></p> <p><b>identity</b> 38:21  <b>ignore</b> 23:8  26:15  <b>ignored</b> 22:16  24:5 25:14  <b>ignoring</b> 24:8  <b>III</b> 3:21,21 6:21  42:2,3  <b>important</b> 9:22  <b>in-person</b> 10:14  <b>Inaudible</b> 17:16  18:6 22:3  23:13  <b>included</b> 11:2  <b>includes</b> 41:6  <b>inconsistent</b>  32:6  <b>incorrect</b> 22:14  <b>increased</b> 35:8  <b>increasing</b> 35:5  35:5  <b>increasingly</b>  35:5  <b>INDEX</b> 5:1</p>	<p><b>indicate</b> 32:15  32:17  <b>indicated</b> 32:23  <b>information</b>  15:17 41:4  <b>instance</b> 1:19  <b>instant</b> 10:12  32:5 35:6  <b>instruct</b> 15:9  <b>instructed</b> 24:1  25:13  <b>instrument</b>  38:23  <b>interested</b> 42:18  <b>international</b>  15:1  <b>interrupted</b>  18:13  <b>irrational</b> 28:12  <b>issue</b> 10:9  <b>issued</b> 23:15,21  23:22 24:1  25:12</p> <hr/> <p><b>J</b></p> <p><b>Jacinto</b> 3:5  41:10  <b>Jackson</b> 20:14  28:19  <b>Jeanna</b> 20:13  28:18  <b>July</b> 1:13 6:2  21:6 37:2  40:12,22 42:20  <b>June</b> 1:21  <b>jury</b> 7:7 31:17</p> <hr/> <p><b>K</b></p> <p><b>keep</b> 14:23  23:18  <b>kind</b> 15:18,19  35:7,11  <b>knew</b> 21:14  <b>know</b> 7:15 9:18  13:6,25 14:14</p>	<p>16:24 17:11  21:15 23:22,23  27:22,25 28:1  31:23,25 32:2  32:4 33:12  <b>knowledge</b> 7:21  <b>known</b> 13:1 28:3  38:18</p> <hr/> <p><b>L</b></p> <p><b>lack</b> 12:21 14:11  <b>Las</b> 1:24  <b>late</b> 14:5 29:6  <b>Lauren</b> 4:7 6:18  <b>Law</b> 3:21 42:3  <b>lawyers</b> 15:2  <b>leadership</b> 12:20  20:19,21  <b>leg</b> 16:19  <b>legal</b> 3:8 6:19  14:22,23 15:8  15:11,12 41:13  <b>legs</b> 16:22  <b>lesal</b> 15:7  <b>let's</b> 17:17  <b>limited</b> 6:24  <b>Lisa</b> 4:6  <b>little</b> 11:25  31:17  <b>local</b> 1:7 6:5,22  7:10,11 8:23  40:7  <b>located</b> 1:24  <b>locations</b> 6:10  <b>look</b> 29:17  <b>lot</b> 18:22 19:5  <b>Lyn</b> 33:18,24</p> <hr/> <p><b>M</b></p> <p><b>Maberry</b> 4:7  6:18  <b>machine</b> 1:23  <b>mail</b> 35:10  <b>making</b> 11:14  <b>management</b></p>
---	--	---	--	---

<p>33:16 34:2 <b>maritime</b> 33:1 <b>marked</b> 5:10 <b>Matt</b> 3:4 6:13,13 41:2,9 <b>matter</b> 15:9 <b>MATTHEW</b> 3:8 41:12 <b>Mbg@nrtw.org</b> 3:11 41:15 <b>McKeeby</b> 3:14 5:6 6:16,16 21:13 31:9,11 34:4,9 35:15 36:3,8,19 41:2 41:19 <b>McKeeby's</b> 34:8 <b>McKinney</b> 43:2 <b>mean</b> 7:16 11:9 14:24 16:20 23:4 34:1 35:9 <b>means</b> 16:21 <b>meant</b> 14:25 31:18 <b>media</b> 20:17 27:8 33:6,9 <b>meeting</b> 10:10 10:14 13:11,12 29:24 30:5,9 32:13 33:22 34:3 <b>Melody</b> 1:22 11:20 40:14 42:24 43:1 <b>member</b> 7:12,13 7:15 8:19 12:8 27:2 30:8,13 30:25 34:3 <b>members</b> 13:22 <b>membership</b> 13:12 20:11 33:22 34:3 <b>mentioned</b> 31:15 <b>message</b> 9:25</p>	<p>10:13 32:5 <b>messages</b> 34:15 34:24 35:7 <b>met</b> 31:15 <b>Mexico</b> 1:25 <b>Mhill@pryor...</b> 3:7 41:11 <b>Mi</b> 17:18 <b>middle</b> 26:8 <b>Mike</b> 17:12,18 17:22 <b>miles</b> 24:6,8 25:15 <b>mine</b> 13:4 19:5 <b>MINUTE(S)</b> 41:2,2,3 <b>mischaracter</b> 25:19 <b>mischaracteri...</b> 10:19 16:1 25:20,24 <b>moment</b> 14:8 <b>monit</b> 15:21,23 <b>monitor</b> 15:18 <b>Monk</b> 1:22 40:14 42:24 43:1 <b>Montgomery</b> 33:24</p> <hr/> <p><b>N</b></p> <p><b>N</b> 3:1 <b>name</b> 17:8,11 37:2 38:22 <b>named</b> 17:1,8 <b>National</b> 3:8 41:13 <b>necktie</b> 31:12 <b>need</b> 11:19 24:15 <b>needs</b> 16:21 <b>negative</b> 12:18 <b>negotiated</b> 8:21 <b>negotiating</b> 7:12 8:19</p>	<p><b>neither</b> 42:14 <b>network</b> 8:14 <b>Nevarez</b> 1:12,18 5:4 6:3 7:2,7 12:24 14:8,13 15:9 16:2 25:23 26:1,2,3 26:8,10 29:5 29:23 31:10 34:5,13 35:13 35:24 36:4,9 37:2 38:3,10 38:18 40:11,17 <b>never</b> 11:9 13:20 <b>New</b> 1:25 <b>nickname</b> 17:18 28:6,18,21 <b>nicknames</b> 18:22 19:9 28:2 <b>night</b> 22:15 23:23 24:19 <b>non</b> 27:1 <b>nonresponsive</b> 21:21 <b>nonunion</b> 27:1 <b>North</b> 3:5,15 41:10,20 <b>Northern</b> 1:1 6:7 40:1 <b>NOTARY</b> 39:6 <b>noted</b> 38:5 <b>noticed</b> 21:11 <b>numbered</b> 1:20</p> <hr/> <p><b>O</b></p> <p><b>oath</b> 38:19 <b>Object</b> 10:18 21:21 <b>objecting</b> 14:10 <b>objection</b> 10:18 12:21 14:4 15:5,25 18:9 24:10 25:17,24 26:7,9 29:14</p>	<p>29:15 <b>objections</b> 34:8 <b>objector</b> 27:2 <b>observed</b> 32:12 <b>occurred</b> 16:5,7 <b>October</b> 29:16 29:19 30:1 <b>offensive</b> 10:4 <b>office</b> 30:16 31:4 39:1 <b>officer</b> 40:18 41:5 <b>officer's</b> 42:10 <b>Offices</b> 3:21 42:3 <b>official</b> 20:5,8 <b>officials</b> 16:3 <b>oh</b> 12:1 19:22 <b>Okay</b> 7:20 8:6 8:25 12:1 15:21 16:9 17:14 18:17 19:11 21:3 22:1 23:6 28:2 28:24 29:10,22 30:21,24 31:14 32:7 34:4 35:1 36:1,7 <b>once</b> 15:22 <b>ones</b> 8:21 <b>online</b> 35:11 <b>opinion</b> 11:13 13:16,18,25 14:17 15:8,17 <b>opinions</b> 12:18 13:22 <b>opponents</b> 18:23 27:9 <b>opportunity</b> 36:11 <b>opposed</b> 12:19 12:20 18:19 <b>opposing</b> 29:10 <b>oral</b> 1:17 40:19 <b>order</b> 22:22 23:8</p>	<p>23:25 24:5,8 25:11,12,14,16 26:15 <b>ordered</b> 23:7 24:22 <b>orders</b> 23:15,16 23:20,22 <b>original</b> 42:12 <b>outcome</b> 42:18 <b>outside</b> 24:6 33:2</p> <hr/> <p><b>P</b></p> <p><b>P</b> 3:1,1 <b>p.m</b> 1:21,21 6:8 36:20 <b>Page</b> 5:1,7,8 <b>PAGELINE</b> 37:3 <b>part</b> 8:20 17:4 <b>partial</b> 25:25 <b>parties</b> 3:2 41:7 42:16 <b>party</b> 40:25 <b>pass</b> 31:7 <b>Paulo</b> 3:14 6:16 31:10 41:2,19 <b>people</b> 12:18,19 20:10 21:25 22:10,11 <b>person</b> 38:21 <b>personal</b> 13:21 15:17 <b>personally</b> 22:2 38:18 <b>Phoenix</b> 27:16 <b>phone</b> 31:20 32:10 35:6 43:3 <b>physical</b> 34:14 34:23 <b>plaintiff</b> 1:4,19 3:3 6:14 40:4 41:8 42:11 <b>play</b> 32:8</p>
--	---	--	--	---

<p>please 6:9,12 11:25 14:8 18:11 26:10 PLLC 4:1 42:7 Pmckeeby@r... 3:17 41:21 point 16:9 20:2 31:23 policy 33:6,9 position 7:8 31:3 positions 19:24 30:16 post 33:15,17 posted 33:18,20 posts 20:17 27:8 34:15 practice 30:7 preparing 42:11 PRESENT 4:5 president 7:11 9:2 11:8,10,12 11:15 13:10 33:24 pretend 21:15 previous 23:25 25:12 26:15 previously 21:11 28:3 prior 13:10 15:9 privileged 15:16 problematic 28:13 Procedure 2:1 proceeding 42:17 produced 1:18 proved 38:19 provisions 2:1 Pryor 3:5 41:9 PUBLIC 39:6 pulled 22:20 purchase 36:16 purpose 28:15 purposes 38:24 pursuant 1:25</p>	<p>15:7,12 41:4 putting 15:19,23</p> <hr/> <p><b>Q</b></p> <p>question 14:11 15:10,14 18:11 21:20 24:15,16 24:21 25:3,5,7 26:6,11 questions 24:23 25:2 29:2 31:6 31:12 34:5,7,8 35:13,15,25 quickly 35:18</p> <hr/> <p><b>R</b></p> <p>R 3:1 raise 10:9 ran 9:3 Rant 17:5 read 11:22 36:11 38:3 REASON 37:3 recall 27:4 receive 23:1,2 received 9:24 10:15 14:1,15 15:22 22:22 23:5 31:22 32:15 34:24 receiving 34:14 34:15 Recess 26:23 35:21 recognize 11:21 16:10,16 19:13 recollection 17:7 30:21 record 2:1 6:2 6:11,23 26:22 26:25 35:20,23 36:6,14 40:19 41:7 Reed 3:15 41:19 refer 12:10</p>	<p>referring 16:25 refract 17:6 refresh 17:6 refusing 24:25 25:3 regard 34:19 regarding 20:24 Registration 43:1 related 42:15 relationship 8:25 13:2,3,7 remember 29:11 35:2 reported 1:23 reporter 6:12 22:7 36:7,15 40:15 Reporter's 5:8 40:10 REPORTING 43:1 represent 29:23 30:5 representation 30:2,8 request 21:9 22:18 30:5 requested 21:10 30:8 requesting 24:24 response 20:25 rest 12:17,23 18:14 result 35:6 retainer 15:2 return 40:24 rexellection 17:7 Rickie 19:15,17 19:19,21,23 20:2 30:12 ridiculous 21:16 right 3:8 8:23 9:9 11:16 12:1</p>	<p>12:2,4,8,19 14:3,9 20:3,6 20:14,17,20,22 21:11,13,18,23 22:5,13 23:3,9 23:11,21 24:9 24:24 25:1,16 26:6,19 29:8 41:13 Road 3:9 41:14 Rockwall 3:6 41:10 role 11:7,15 roles 11:11 RPR 42:24 Rules 1:25 run 9:4</p> <hr/> <p><b>S</b></p> <p>S 3:1 4:1 42:6 San 3:5 41:10 sanctions 23:10 sarcastic 12:12 says 12:7,9 17:4 scab 16:20 17:18 17:21,23,24 18:20 schmuck 31:11 screen 11:19 seal 39:1 second 7:11 9:2 seconds 31:24 sending 28:15 sent 10:13,24 32:5 separate 11:11 separately 9:15 service 21:19 23:1 24:4 share 13:21 shared 12:18 sharing 11:19 shirt 29:7 shop 19:25 20:2 20:9 30:18,19</p>	<p>30:21 short 26:19 35:17 shorthand 1:24 40:14 show 10:23 11:18 21:10 23:23 24:19 25:11 showed 10:12 29:10 shown 24:20 sign 36:11 signature 5:7 36:7,10 37:1 38:4 40:23 simply 22:16 sir 29:18,20 Smith 3:15 41:19 social 20:17 27:7 33:5,9 sorry 7:9 17:22 19:15 20:20 22:7,11 23:16 23:18 26:3 29:6 Southwest 1:6 3:13 6:4,17,18 7:8 10:1 21:6 21:10,12,24 22:10,19 28:16 33:5 36:19 40:6 41:18 Spand 19:15,17 19:19,22,23 20:2,13 30:12 30:13 speak 13:3 19:6 19:6 21:24 22:14 26:8 31:20 34:13 speaking 26:4 specific 30:4,8 speculation</p>
---	--	--	---	---

12:22 14:12 <b>speech</b> 33:20 34:1 <b>Springfield</b> 3:10 41:14 <b>state</b> 1:23 6:9 38:14 39:7 40:15 <b>stated</b> 2:1 <b>States</b> 1:1 6:6 40:1 <b>stem</b> 15:19,24 <b>Step</b> 29:24 30:8 <b>steps</b> 15:12 <b>steward</b> 19:25 20:3,9 30:18 30:19,22 <b>stipulations</b> 6:11 <b>Stone</b> 7:14 9:1 13:7,15,17 14:13,15 19:8 27:19 28:14 31:16 34:13,18 <b>Stone's</b> 13:6 27:23 <b>stop</b> 20:20,21 <b>Street</b> 3:15,22 4:2 41:20 42:3 42:7 <b>stuff</b> 35:7 <b>styled</b> 6:3 <b>submit</b> 10:5 <b>submitted</b> 10:1 11:6 40:21 <b>subpoena</b> 24:19 <b>subscribed</b> 38:22 <b>suggest</b> 10:5 <b>Suite</b> 3:9,16 41:14,20 <b>support</b> 18:7,7 <b>supported</b> 11:14 <b>supporter</b> 27:4 <b>supporting</b> 18:5	<b>sure</b> 7:24 16:3 20:1 30:19 <b>swear</b> 6:12 <b>sworn</b> 1:19 7:3 40:18 <hr/> <b>T</b> <b>TA</b> 35:4 <b>take</b> 16:6,7 20:25 26:18 35:16 <b>taken</b> 1:20 15:12 41:6 42:17 <b>Talburt</b> 16:13 16:16 27:15 29:24 30:4,25 30:25 31:3 <b>talk</b> 13:15,17,24 14:25 15:1 <b>talked</b> 22:4,11 <b>talking</b> 7:25 8:1 8:2,3 14:21 <b>team</b> 7:12,13,15 7:18,21,24 8:6 8:9,11,16,19 <b>technically</b> 23:1 <b>tell</b> 7:7 10:3,8 28:14 <b>telling</b> 7:20 <b>term</b> 12:12 <b>testified</b> 7:3 14:14 <b>testimony</b> 10:19 16:1 25:25 40:20 41:5 <b>Texas</b> 1:1,23 3:6 3:16,22 4:2 6:7 6:14,17,22 29:6 40:1,15 41:10,21 42:4 42:8,24 43:2 <b>Thank</b> 30:11 34:5 35:13 36:4 <b>thing</b> 35:11	<b>things</b> 18:1 <b>think</b> 27:13 28:23 32:24 <b>thinking</b> 14:13 23:18 <b>thread</b> 29:12 <b>threatened</b> 13:13 <b>threatening</b> 12:4 <b>threats</b> 34:23 35:3,8 <b>three</b> 14:5,5 <b>tie</b> 29:7 <b>time</b> 6:8 14:13 14:17,18 16:19 20:1 21:7,8 22:8 40:25 41:5 <b>today</b> 6:24 7:20 <b>told</b> 10:4 14:2,2 21:17,22 22:4 22:13,17,21 24:13 32:24 <b>tonight</b> 24:23 <b>totally</b> 14:18 <b>transcript</b> 40:18 40:21 42:12 <b>Transport</b> 1:6 3:19 6:4 40:6 42:1 <b>trip</b> 22:20 <b>trouble</b> 21:3 34:21 <b>true</b> 23:8 38:5 40:19 <b>trying</b> 11:22 18:12 26:8 <b>turned</b> 29:5 31:21 33:4,8 33:15 <b>twice</b> 32:5 <b>two</b> 23:14,16,20 31:22 32:2,4 <b>TWU</b> 6:22 7:10	<hr/> <b>U</b> <b>understand</b> 11:7 12:25 15:15 22:8 <b>Understood</b> 20:12 <b>Unfortunately</b> 34:17 <b>union</b> 1:7 3:19 6:5 9:8,22 11:8 11:10,12,15 12:19,20 13:14 16:3 18:3,4,5,8 18:8,20,22 19:24 20:6,8 27:2,5,8 29:1 30:7,17 31:4 36:17 40:7 42:1 <b>union-protected</b> 33:20,25 <b>United</b> 1:1 6:6 40:1 <b>unreasonable</b> 21:9 22:17 <b>upset</b> 14:20 <b>use</b> 19:8 28:21 <hr/> <b>V</b> <b>valid</b> 25:16 <b>versus</b> 6:3 <b>vice</b> 7:11 9:2 <b>video</b> 10:4 14:19 31:21,25 32:7 <b>Videoconfere...</b> 1:11,17,22 3:2 <b>Videographer</b> 4:6 6:1 26:21 26:24 35:19,22 36:2,5 <b>videos</b> 31:23 32:3 <b>VIDEOTAPED</b> 1:11,17 <b>view</b> 18:20	<b>viewed</b> 32:18 <b>violating</b> 33:8 <b>violation</b> 33:5 33:13,14 <b>Virginia</b> 3:10 41:14 <b>VS</b> 1:5 40:5 <hr/> <b>W</b> <b>wait</b> 35:10 <b>want</b> 32:1 36:15 <b>wanted</b> 22:19 <b>wants</b> 12:7 <b>wasn't</b> 14:21 21:20 <b>watch</b> 32:1 <b>watched</b> 31:24 32:23 <b>we'll</b> 26:18,19 26:20 35:17 <b>We're</b> 6:1 35:22 <b>we've</b> 13:2 <b>wearing</b> 31:11 <b>well-being</b> 34:14 <b>weren't</b> 24:2 <b>witness</b> 1:18,24 6:12 14:9 18:11 31:7 36:1,8,13 37:2 40:17,20,22,23 <b>Witness's</b> 5:7 <b>won</b> 8:12 <b>work</b> 3:8 9:6 10:20 17:12 21:5,14 41:13 <b>worked</b> 21:6 <b>Workers</b> 1:6 3:19 6:4 40:6 42:1 <b>working</b> 21:16 <b>worried</b> 27:14 <b>wouldn't</b> 21:17 21:22 22:5,13 <b>wrap</b> 26:20 <b>wrong</b> 10:12
---	---	--	---	---

<b>X</b>	41:14	<b>8:02</b> 6:8		
	<b>25</b> 11:21	<b>8:03</b> 1:21		
<b>Y</b>	<b>27</b> 16:10,10	<b>8:27</b> 26:22		
yeah 11:25 12:1	29:11	<b>8:31</b> 26:25		
14:5 20:23	<b>2850</b> 3:15 41:20	<b>8:41</b> 35:20		
21:14 23:4	<b>29</b> 1:21 5:5	<b>8:44</b> 35:23 36:6		
29:9,12 32:20		<b>8:45</b> 1:21 36:20		
32:22	<b>3</b>	<b>8001</b> 3:9 41:14		
year 13:10	<b>3</b> 35:23	<b>888.988.5317</b>		
years 12:16 14:5	<b>3:17-cv-02278...</b>	43:3		
14:5	1:6 6:6 40:6			
	<b>302</b> 3:5 41:10	<b>9</b>		
<b>Z</b>	<b>31</b> 5:6	<b>9</b> 40:22,24		
Zoom 1:22 3:2	<b>3301</b> 3:22 4:2	<b>972.771.3933</b>		
	42:3,7	3:6 41:11		
<b>0</b>	<b>34</b> 5:6	<b>9th</b> 42:20		
<b>00</b> 41:2,2,3	<b>3613</b> 42:24			
	<b>37</b> 5:7			
<b>1</b>	<b>3rd</b> 21:6			
<b>10/21/2022</b>				
42:25	<b>4</b>			
<b>10821</b> 43:1	<b>40</b> 5:8			
<b>13th</b> 29:16,19	<b>4th</b> 21:7			
30:1				
<b>1404</b> 43:2	<b>5</b>			
<b>1500</b> 3:16 41:20	<b>556</b> 1:7 6:5,22			
<b>1999</b> 43:2	7:10 8:23 40:7			
	<b>5th</b> 21:7			
<b>2</b>				
<b>2</b> 5:2 26:25	<b>6</b>			
29:24 30:9	<b>600</b> 3:9 41:14			
<b>2000</b> 7:9	<b>6th</b> 21:7			
<b>2001</b> 13:1 28:12				
<b>2013</b> 13:11	<b>7</b>			
<b>2014</b> 29:16,19	<b>7</b> 5:5			
30:1	<b>703.321.8510</b>			
<b>2015</b> 8:2,7 35:4	3:10 41:15			
<b>2017</b> 7:10 8:3,5	<b>75087</b> 3:6 41:10			
20:1 30:19	<b>75201</b> 3:16			
<b>2022</b> 1:13,21 6:2	41:21 43:2			
37:2 40:12,22	<b>75226</b> 3:22 4:2			
40:24 42:20	42:4,8			
<b>21-X</b> 19:12				
<b>214.232.9015</b>	<b>8</b>			
3:23 42:4	<b>8</b> 1:13 6:2 37:2			
<b>22160</b> 3:10	40:12			